

PROPOSED CONSTITUTIONAL AMENDMENTS

PROPOSED CONSTITUTIONAL AMENDMENT—DUAL OFFICE-HOLDING AND COMPENSATION—STATE EMPLOYEES SERVING LOCAL GOVERNMENTS—EXEMPTION

S. J. R. No. 29

Proposing an amendment to Article XVI, Sections 33 and 40, Constitution of the State of Texas, to prohibit the payment of any State funds to any person who shall hold more than one civil office of emolument, and providing for exemption of certain officers from the ban of dual office holding, and permitting State employees or certain other individuals, who are not State officers, to serve as members of the governing body of school districts, cities, or towns, or other local governmental districts without forfeiting their salary for their State employment.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVI, Section 33, Constitution of the State of Texas, be amended to read as follows:

"Section 33. The accounting officers in this State shall neither draw nor pay a warrant or check on funds of the State of Texas, whether in the treasury or otherwise, to any person for salary or compensation who holds at the same time more than one civil office of emolument, in violation of Section 40."

Sec. 2. That Article XVI, Section 40, Constitution of the State of Texas, be amended to read as follows:

"Section 40. No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and the officers and directors of soil and water conservation districts, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard, and the National Guard Reserve, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and officers of the State soil and water conservation districts, from holding at the same time any other office or position of honor, trust or profit, under this State or the United States, or from voting at any election, general, special or primary in this State when otherwise qualified. State employees or other individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not State officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts; provided, however, that such State employees or other individuals shall receive no salary for serving as members of such governing bodies. It is further provided that a nonelective State officer may hold other non-

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elective offices under the State or the United States, if the other office is of benefit to the State of Texas or is required by the State or Federal law, and there is no conflict with the original office for which he receives salary or compensation. No member of the Legislature of this State may hold any other office or position of profit under this State, or the United States, except as a notary public if qualified by law."

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting State employees, who are not State officers, to serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts, without forfeiting their State salary, and specifying exceptions to the constitutional prohibition against payment of State funds for compensation to any person who holds more than one civil office of emolument."

Passed the Senate on May 4, 1971: Yeas 81, Nays 0; May 27, 1971, Senate concurred in House amendments: Yeas 29, Nays 1; passed the House, with amendments, on May 26, 1971: Yeas 140, Nays 8.
Signed by the Governor May 28, 1971.